

REMARKS

1. Summary of Office Action

In the Office Action mailed January 3, 2006, the Examiner rejected claims 1-17 and 19-20 as being obvious over Applicant's Admitted Prior Art (hereinafter "APA") in view of U.S. Patent Application Publication No. 20010047415 (Skene et al.).

2. Amendments and Pending Claims

Applicant has amended claims 1, 6, 10, 13, and 16-17 and added new claims 21-24. Now pending in this application are claims 1-17 and 19-24 of which claims 1, 6, 10, 13, and 16-17 are independent.

3. Response to §103 Rejections

The Examiner rejected claims 1-17 and 19-20 as being obvious over the APA in view of Skene et al. Applicant has amended independent claims 1, 6, 10, 13, and 16-17. Claims 1, 6, 10, 13, and 16-17, as amended, clearly distinguish over the combination of the APA and Skene et al. because the combination of the APA and Skene et al. fails to disclose or suggest all of the limitations of any of these claims.

a. Claims 1-15 and 19-20

With respect to independent claim 1, the combination of the APA and Skene et al. fails to teach or suggest at least the following elements: (i) the contact LNS determines whether the contact LNS can handle a session between the contact LNS and the LAC, (ii) if the contact LNS determines the contact LNS can handle the session, the contact LNS establishes the session with the LAC, and (iii) if the contact LNS determines the contact LNS cannot handle the session, the contact LNS sends a response message containing an Internet Protocol (IP) address of a selected one of the plurality of load balancing LNSs to which the LAC should establish a session.

With respect to independent claim 6, the combination of the APA and Skene et al. fails to teach or suggest at least the following elements: (i) determining whether the contact LNS can handle a session between the contact LNS and the LAC, (ii) if the contact LNS can handle the session, then establishing the session between the LAC and the contact LNS, and (iii) if the contact LNS cannot handle the session, then the LAC receiving from the contact LNS an address of a next available LNS, establishing a connection with the next available LNS, and then establishing a session with the next available LNS, and receiving data and forwarding the data to the next available LNS.

With respect to independent claim 10, the combination of the APA and Skene et al. fails to teach or suggest at least the following elements: (i) determining whether the contact LNS can handle a session between the contact LNS and the LAC, (ii) if the contact LNS can handle the session, then establishing the session between the contact LNS and the LAC, and (iii) if the contact LNS cannot handle the session, then obtaining the next LNS address and providing the next LNS address to the LAC, and establishing a connection between the next LNS and the LAC using the next LNS address, and then establishing a session between the next LNS and the LAC.

With respect to independent claim 13, the combination of the APA and Skene et al. fails to teach or suggest at least the following elements: (i) the contact LNS determines whether the contact LNS can handle a session with the LAC, (ii) if the contact LNS determines the contact LNS can handle the session, the contact LNS establishes the session with the LAC, and (iii) if the contact LNS determines the contact LNS cannot handle the session, the contact LNS sends to the LAC a message containing the IP address of the next LNS, and the LAC establishes a session with the next LNS via the second network.

In rejecting claims 1 and 6, the Examiner indicated the APA is silent regarding the contact LNS sending a response message containing an IP address of a selected one of the plurality of load balancing LNSs to which the LAC should establish a session. Instead, the Examiner relied on Skene et al for teaching this element. According to the Examiner, Skene et al. discloses a communication mechanism where the contact LNS sends a response message containing an IP address of a selected one of the plurality of load balancing LNSs to which the LAC should establish a session. Further, the Examiner indicated that claims 10-17 and 19-20 include analogous features to the features in claims 1-10, and thus claims 10-17 and 19-20 are rejected using the same rational as claims 1-10.

However, Applicant has now amended claims 1, 6, 10, and 13 to recite functionality of determining whether the contact LNS can handle a session between the contact LNS and the LAC, establishing the session between the contact LNS and the LAC if the contact LNS can handle the session, and the contact LNS providing an address of another LNS to the LAC and establishing a session between the LAC and the other LNS if the contact LNS cannot handle the session. This claimed functionality is not disclosed or suggested in the combination of the APA and Skene et al.

At best, Skene et al. teaches a Local Domain Name System (LDNS) server and an Extended Domain Name System (EDNS) server that can receive a domain name resolution request and return an IP address associated with the domain name. (See, e.g., Skene et al., paragraphs 32-33). However, Skene et al. does not disclose or suggest the LDNS (or the EDNS) determining if it can handle a session with an LAC (or another entity) and establishing a session with the LAC if the determination indicates the LDNS (or the EDNS) can handle the session, or

providing an IP address to the LAC if the determination indicates the LDNS (or the EDNS) cannot handle the session.

Applicant submits that claims 1, 6, 10, and 13 are allowable because the combination of the APA and Skene et al. fails to disclose or suggest all of the limitations of claims 1, 6, 10, and 13. Further, because each of claims 2-5, 7-9, 11-12, 14-15, and 19-24 depend from either of claims 1, 6, 10, and 13, claims 2-5, 7-9, 11-12, 14-15, and 19-24 are allowable for at least the reason that they depend from an allowable claim.

b. Claims 16-17

With respect to claims 16 and 17, the combination of the APA and Skene et al. fails to teach or suggest sending to the contact L2TP Network Server (LNS) from an L2TP Access Concentrator (LAC) a message that indicates the LAC is available for participating in load balancing.

In rejecting the claims, the Examiner indicated the APA teaches that the LAC sends a message to the contact LNS, and the message informs the LNS of the availability of the LAC for participating in load balancing. The Examiner cited to the APA at page 4, lines 11-20 of Applicant's specification. However, this section of the APA merely teaches that control messages are sent between the LAC and the LNS. These control messages may include a Start-Control-Connection-Request used to initialize a tunnel, and a Start-Control-Connection-Reply for indicating the request was successful. However, there is no teaching or suggestion in the APA, alone or in combination with Skene et al. that the LAC sends to the LNS a message that indicates the LAC is available for participating in load balancing.

Applicant submits that claims 16 and 17 are allowable because the combination of the APA and Skene et al. fails to disclose or suggest all of the limitations of claims 16 and 17.

4. Conclusion

Applicant respectfully submits that claims 1-17 and 19-24 are in a condition for allowance, and respectfully requests prompt issuance of a Notice of Allowability for these claims. If the Examiner would like to discuss this case, the Examiner is encouraged to contact the undersigned at (312) 913-3313.

Respectfully submitted,
**MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Date: April 3, 2006

By: David L. Ciesielski
David L. Ciesielski
Reg. No. 57,432